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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 067286/0277**

In re patent application of

James C. KENNEDY et al.

Examiner: S. Sharareh

Serial No. 10/605,825

Group Art Unit: 1617

Filed: 10/29/2003

For: PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINOLEVULINIC ACID AND  
OTHER PRECURSORS OF ENDOGENOUS PORPHYRINS

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Patent and Trademark Office under 37 C.F.R. §1.102(c) to make special the instant application. It is believed that no fee is due for the instant petition, however, should a fee be required, the PTO is authorized to charge the deposit account No. 19-0741. This petition is submitted on the grounds that one of the present applicants is 65 years of age or more as set forth in 37 C.F.R. § 1.102(c). The basis for the petition is to obtain special status for this application so that it receives expedited prosecution.

MPEP § 708.02 IV provides that “[a]n application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or applicant’s statement. No fee is required for such a petition.”

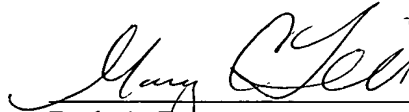
In the present case, Dr. James C. Kennedy is greater than 65 years of age. A copy of his notarized birth certificate along with a notorial certificate is attached hereto, thereby providing evidence that Dr. Kennedy is greater than 65 years old and meets the requirements for awarding “special” status to the present application.

Applicants believe they have satisfied all of the requirements for this patent application to be granted special status. Granting this petition is earnestly solicited.

Respectfully submitted,

April 28, 2004  
Date

FOLEY & LARDNER LLP  
Customer Number 22428  
3000 K Street, N.W., Suite 500  
Washington, D. C. 20007-5109  
(202) 672-5300

  
\_\_\_\_\_  
for Beth A. Burrous  
Reg. No. 35,087      Reg. # 41,545

## NOTARIAL CERTIFICATE

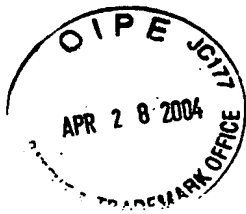
I certify that I have compared the attached copy with the original Birth Certificate of James C. Kennedy, issued at Toronto, Ontario, Canada on 22 November 1957, and that the said copy is a true copy of the original.

Dated at Kingston, Ontario this 8 day of January, 2002.



Stephen J. Scribner  
Notary Public  
Province of Ontario

Stephen Joseph Scribner, Notary Public,  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits,  
for PARTEQ R & D Innovations.  
Expires January 9, 2004



PROVINCE OF ONTARIO

FORM 20  
THE VITAL STATISTICS ACT  
BIRTH CERTIFICATE

KENNEDY, JAMES CECIL

DATE OF BIRTH MAR. 14, 1935

PLACE OF BIRTH TORONTO, YORK CO.

REGISTRATION APR. 15, 1935 35-05-007433

ISSUED AT TORONTO, ONTARIO, CANADA

THE 22 DAY OF NOV. 19 57

1280110

REGISTRAR-GENERAL

S. Scribner

Stephen Joseph Scribner, Notary Public.  
Frontenac Board of Management, limited to the  
attestation of instruments and the taking of affidavits.  
for PARTEQ R & D Innovations.  
Expires January 9, 2004.